

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

Veseljko Stojanovic and Ranka Stojanovic,

Plaintiffs,

vs.

**Boston Scientific Corporation, Cleveland Clinic
Foundation aka Cleveland Clinic, and Mohamed
Eltemamy, M.D., et al.,**

Defendants.

Civil Action No.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Boston Scientific Corporation (“BSC”), hereby removes this action from the Cuyahoga County Court of Common Pleas to the United States District Court for the Northern District of Ohio. This action is within the jurisdiction of the Northern District of Ohio pursuant to 28 U.S.C. § 1331 because the Amended Complaint states a claim invoking a federal question, specifically, an alleged violation of federal law 15 U.S.C. § 2301, *et seq.* In support of this Notice of Removal, BSC states as follows:

BACKGROUND

1. Plaintiffs Veseljko Stojanovic and Ranka Stojanovic (collectively, “Plaintiffs”) filed suit against the above-captioned defendants and individuals and corporations identified as Doe and Roe individuals and entities in the Cuyahoga County Court of Common Pleas, Case No.: CV-22-963537.

2. Defendant BSC moved to dismiss the Complaint for failure to state a claim upon which relief can be granted. In response to BSC’s Motion to Dismiss, the state court gave Plaintiffs the opportunity to amend the Complaint. Plaintiffs filed an Amended Complaint on September 6, 2022.

3. Attached as **Exhibit A** and incorporated by reference are true and correct copies of the Amended Complaint and all pleadings and papers filed in this matter in the Cuyahoga County Court of Common Pleas.

4. The Amended Complaint (Ex. A at 105) raises for the first time a claim alleging a violation of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, et. seq. It is this claim that invoked this Court's jurisdiction under 28 U.S.C. § 1331 and 15 U.S.C. § 2310(d)(1)(B).

5. The Amended Complaint does not specify the total amount of damages Plaintiffs seek to recover, but alleges that, based on the severity of the injuries alleged, "there is no limitation on the amount of compensatory damages that represents damages for non-economic loss. (Am. Compl. ¶¶ 8, 9.) Accordingly, and based upon the nature of the allegations in the Amended Complaint, it is facially apparent from the Amended Complaint that the amount in controversy meets or exceeds \$50,000.00 as required under 15 U.S.C. § 2310(d)(3).

6. Because the Court has jurisdiction under 28 U.S.C. § 1331 over one or more claims asserted, it shall have supplemental jurisdiction over all other claims so related that form part of the same case or controversy pursuant to 28 U.S.C. § 1367.

7. Plaintiffs filed their Amended Complaint raising a federal claim on September 6, 2022. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)(3) as it is being filed within thirty days of service of the Amended Complaint.

8. Pursuant to 28 U.S.C. § 1446(b)(2), all defendants who have been properly joined and served have consented to this removal.

9. The United States District Court for the Northern District of Ohio, Eastern Division includes the county in which the state court action is now pending and where a substantial part of

the events giving rise to the claim occurred, and, thus, venue is proper pursuant to 28 U.S.C. §§ 115(a)(1) and 1391(b).

10. BSC and the consenting defendants expressly reserve all defenses to Plaintiffs' claims, including but not limited to all defenses based in law, equity, statute, constitution, jurisdiction, or immunity, any other defense or avoidance, and does not waive any defense by this removal.

11. BSC will file a copy of this Notice of Removal with the Clerk of Cuyahoga County Court of Common Pleas, the state court in which this action is currently pending, as required by 28 U.S.C. § 1446(d). A copy of this Notice of Removal is also being served upon Plaintiff's counsel as further required by 28 U.S.C. § 1446(d).

WHEREFORE, Boston Scientific Corporation respectfully requests that the entire action referred to herein proceed in the United States District Court for the Northern District, Eastern Division, and that no further proceeding be held in said case in the Cuyahoga County Court of Common Pleas.

Dated: September 19, 2022

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

/s/ Sarah L. Bunce

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*Attorney for Defendant Boston Scientific
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CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Removal was filed electronically on September 19, 2022.

The parties were served via USPS First-Class mail on September 19, 2022 as follows:

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*Counsel for Defendants Cleveland Clinic Foundation
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/s/ Sarah L. Bunce
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